



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue  
Seattle, WA 98101

April 28, 1999

Reply To

Attn Of: OAQ-107

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Facility Manager  
Columbia Asphalt and Gravel  
3307 River Road  
Yakima, WA 98902

Re: Columbia Asphalt and Gravel

Dear Facility Manager :

I am writing regarding the U.S. EPA's implementation of the Federal Operating Permits program in Indian country. On February 19, 1999, the Environmental Protection Agency published amendments to the final Federal Operating Permits Program rule (40 CFR part 71) under Title V of the Clean Air Act (the Act). In this final agency action, EPA promulgated regulations setting forth its approach for issuing Federal operating permits to covered stationary sources of air pollution in Indian country. The effective date of this final rule is March 22, 1999. (See Enclosure 1 for copies of the Part 71 rules.)

According to our records, the facility listed above may be a major source of air pollution required to obtain a federal air operating permit. Because this facility is located on the reservation of a federally-recognized Tribe, EPA has the responsibility for issuing and enforcing a Title V permit for the facility. This authority will remain with EPA until such time as EPA approves a Tribal Title V permit program or until EPA delegates Title V authority to the Tribe.

Pursuant to 40 CFR 71.5(a)(1), EPA is requesting that your facility submit an application by November 15, 1999. After November 15, 1999, it will be a violation of the Clean Air Act to operate your facility without a federally issued air operating permit *unless* you have submitted a *complete* application by that date. Since the consequences of failing to submit a complete application on time are serious, we urge you to submit your application as soon as possible. If for any reason you believe that your facility should not be required to obtain a Title V permit or that EPA is not the proper permitting authority for your facility, please review the applicability criteria delineated in Enclosure 2 and contact us immediately.

Enclosure 3 includes an application and accompanying instructions, which you should use to apply to EPA for a Title V permit under Part 71. Please fill out all applicable portions of this application, including the Fee Calculation Worksheet, and the Compliance Certification and

submit the completed application to EPA Region 10 and to the Tribal contact listed below. These forms may also be downloaded and printed from EPA's website:

<http://www.epa.gov/airprog/oar/oaqps/permits/p71forms.html>.

These forms are not suitable for on-line data entry or electronic submittal. However, upon EPA approval, you may modify these forms to provide for electronic transmittal or to better accommodate the data being submitted, provided that all of the information required by 40 CFR Part 71.5 is included.

In addition, your facility must submit initial fees along with the Part 71 permit application, as required at 40 CFR §71.9(f)(3). Please submit fees to the "lockbox" bank account address for Region 10 provided on page 30 of the Instruction Manual for Permit Application Forms (Enclosure 3). The current EPA Title V permit fee is \$33.20 per ton of pollutant emitted.

For a detailed discussion of the Part 71 program, including applicability criteria, permit application procedures and permit fee requirements, please see EPA's notice of final rulemaking at 61 FR 34202, July 1, 1996 (Enclosure 1). If you have any questions, need assistance to complete your application for a Part 71 permit, or need help with an applicability determination, please call Elizabeth Waddell of my staff at (206) 553-4303.

Sincerely,



Douglas E. Hardesty, Manager  
Federal and Delegated Air Programs

Enclosures

cc: Moses Squeochs  
Environmental Program Director, Yakama Confederated Tribes